

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Bennie Skelton,)	
)	
Plaintiff,)	C/A No. 2:09-847-MBS
)	
vs.)	
)	ORDER
Family Services Inc.,)	
)	
Defendant.)	
_____)	

Plaintiff James Bennie Skelton is a resident of Gaston, South Carolina. On April 2, 2009, Plaintiff, appearing *pro se*, filed what has been liberally construed as a civil action against Defendant Family Services Inc.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. The Magistrate Judge reviewed the civil action pursuant to the provisions of 28 U.S.C. § 1915 and applicable precedents. The Magistrate Judge filed a Report and Recommendation on April 9, 2009. In this Report, the Magistrate Judge recommended the within civil action be dismissed due to a lack of subject matter jurisdiction as there exists neither a “federal question” nor “diversity of citizenship.” See 28 U.S.C. §§ 1331 and 1332. Petitioner filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the

Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within civil action is dismissed without prejudice and without issuance and service of process upon Defendant.

IT IS SO ORDERED.

s/Margaret B. Seymour
United States District Judge

Columbia, South Carolina
May 8, 2009

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.